

**REMARKS**

In accordance with the foregoing, the specification and claims 1-2, 4-8, 10-14, and 16-19 are amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-19 are pending and under consideration. Reconsideration is respectfully requested.

**In The Specification**

The specification is amended herein to provide a more complete description of Figs. 2, 6, and 7. No new matter is being presented, and approval and entry are respectfully requested.

**Claim Amendments**

Independent claim 1 is amended herein to recite a method, executed by a computer independent from a terminal of a user, for transferring a communication fee, including "after a terminal of said destination user registered in said transmitting information storage device performs a processing to receive packet data that may include the particular packet data and a first communication fee for the received packet data is charged to said destination user, without being judged whether or not said received packet data includes the registered particular packet, calculating an amount of second communication fees charged to said destination users for said particular packet data, by using a number of packets of said particular packet data and a number of destination users specified by receiving status data for said particular packet data to be received by said terminals of said destination users registered in said transmitting information storage device, wherein said number of packets of said particular packet data is calculated from said particular packet data stored in said transmitting information storage device; performing a processing to exempt the specified destination users from said second communication fee having been charged for said particular packet data; and performing a processing to charge said sender registered in said transmitting information storage device for said amount of said second communication fees having been charged to said specified destination users."

Support for the amendment is found, for example, on page 5, line 16 - page 6, line 12 of the specification and in features recited by dependent claim 5 before amendment herein. Independent claims 7, 13, and 19 are similarly amended herein.

Dependent claim 2 is amended herein to recite a method wherein a third communication fee for the sent particular packet data is charged to said sender when said particular packet data is transmitted to the destination users registered in said transmitting information storage device.

Support for the amendment is found, for example, on page 8, lines 26-27 of the specification. Dependent claims 8 and 14 are similarly amended herein.

Dependent claim 5 is amended to recite a method "wherein said calculating comprises specifying destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device, said performing said processing to exempt comprises registering into a charge information storage device, said second communication fee as an exempted charging fee of said specified destination user having been charged for said particular data, and said performing said processing to charge comprises registering into said charge information storage device, said amount of said second communication fees as a charging fee charged to said sender." Support for the amendment is found, for example, on page 10, lines 10-16 of the specification. Dependent claims 11 and 17 are similarly amended.

Dependent claim 6 is amended to recite a method "wherein said calculating comprises: acquiring data regarding said particular packet data which is not received by a particular destination user; and specifying destination users who are confirmed to have performed said processing to receive said particular packet by excluding said particular destination user based on said data regarding said packet which is not received by said particular destination user." Support for the amendment is found, for example, on page 8, lines 18-25 and page 9, lines 17-20, and page 10, lines 16-26 of the specification. Dependent claims 12 and 18 are similarly amended.

Dependent claims 4, 10, and 16 are amended herein to correspond to amendments of respective parent claims. No new matter is being presented, and approval and entry are respectfully requested.

**Item 3: Rejection of Claims 6 and 18 Under 35 U.S.C. 112, second paragraph**

The Examiner rejects claims 6 and 18 under 35 U.S.C. 112, second paragraph asserting that the recites "said particular packet data which does not reach" is not clear. Claims 6 and 18 are amended herein to address the Examiner's concern and withdrawal of the rejection is requested.

**Items 4-5: Rejection of claims 1-19 under 35 U.S.C. §103(a)**

In items 4-5 of the Office Action, the Examiner rejects claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over DeLuca (U.S.P. 5,870,030) in view of combinations of Applicant's background of the invention and Jacobs (US 2004/0039784). The rejections are traversed.

Applicants submit that features recited by each of the independent claims are not taught by the cited art, alone or in combination.

Independent claim 1, as amended herein, recites a method, executed by a computer independent from a terminal of a user, for transferring a communication fee, including "after a terminal of said destination user registered in said transmitting information storage device performs a processing to receive packet data that may include the particular packet data and a first communication fee for the received packet data is charged to said destination user, without being judged whether or not said received packet data includes the registered particular packet, calculating an amount of second communication fees charged to said destination users for said particular packet data, by using a number of packets of said particular packet data and a number of destination users specified by receiving status data for said particular packet data to be received by said terminals of said destination users registered in said transmitting information storage device, wherein said number of packets of said particular packet data is calculated from said particular packet data stored in said transmitting information storage device; performing a processing to exempt the specified destination users from said second communication fee having been charged for said particular packet data; and performing a processing to charge said sender registered in said transmitting information storage device for said amount of said second communication fees having been charged to said specified destination users." Independent claims 7, 13, and 19 have similar recitations.

Applicants submit that DeLuca, alone or in combination, does not teach a method "executed by a computer independent from a terminal of a user, for transferring a communication fee (emphasis added)," as recited by claim 1, for example.

By contrast, DeLuca teaches a method for receiving "personal messages and information service updates without paying a fee for such services in return for reading advertisements", and the method is executed by a user terminal, itself.

Applicants further submit that DeLuca, alone or in combination, does not teach a method including "calculating an amount of second communication fees charged to said destination users for said particular packet data (emphasis added)," as recited by claim 1, for example.

By contrast, since the method in DeLuca is executed by the user terminal, itself, such a user terminal taught by DeLuca does not calculate a fees charged or credited to another user.

Applicants further submit that DeLuca, alone or in combination, does not teach or suggest a method including "performing a processing to exempt the specified destination users from said second communication fee having been charged for said particular packet data

(emphasis added)," as recited by claim 1, for example. That is, the second communication fee is charged to the destination user for the received particular packet data, and the second communication fee having been charged for the same received particular packet data is exempted from the destination user.

By contrast, DeLuca teaches that credit units are "subtracted from the memory, for display of the first information type," and "added to the memory after display of the second information type." That is, "the first information type," which includes the information supplied by the information provider and the personal messages, are completely different from "the second information type," which includes the advertisements.

According to aspects of the present invention, the destination user must have been charged for the received particular packet data before being exempt from the second communication fee.

By contrast, DeLuca does not teach credit units must have been subtracted by displaying the first information type, before the credit units is added by displaying the second information type. DeLuca, instead teaches that adding credit units is performed independently of subtracting credit units.

Further, features independently recited by dependent claims are not taught by DeLuca, alone or in combination. For example, dependent claim 5, as amended herein, recites a method "wherein said calculating comprises specifying destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device, said performing said processing to exempt comprises registering into a charge information storage device, said second communication fee as an exempted charging fee of said specified destination user having been charged for said particular data, and said performing said processing to charge comprises registering into said charge information storage device, said amount of said second communication fees as a charging fee charged to said sender (emphasis added)."

DeLuca, alone or in combination, does not teach a method including a second communication fee as an exempted charging fee of a specified destination user having been charged for particular data and an amount of the second communication fee as a charging fee charged to a sender.

Dependent claim 6, as amended herein, recites a method "wherein said calculating comprises: acquiring data regarding said particular packet data which is not received by a particular destination user; and specifying destination users who are confirmed to have

performed said processing to receive said particular packet by excluding said particular destination user based on said data regarding said packet which is not received by said particular destination user (emphasis added)."

DeLuca does not teach or suggest specifying users who are confirmed to have performed processing to receive a particular packet by excluding a particular destination user based on data regarding a packet which is not received by the particular destination user.

### Summary

Since features recited by claims 1-19 are not taught by the cited art, alone or in combination, and *prima facie* obviousness is not established, the rejections should be withdrawn and claims 1-19 allowed.

### CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

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By: \_\_\_\_\_

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